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MAY 10 1933

Clergy Reserves and School Lands

IN

UPPER CANADA.

THE writer of this very imperfect outline has, for his object, to bring forward a view of these most important, of all important subjects, which he believes not to have been hitherto before the public, and thus to afford ground work for abler pens than his, in the final arrangement of them, in a way satisfactory to the people of Upper Canada, and consistent with British principles, from which it is known they have seen nothing yet in the experience of themselves or their neighbours to induce them to swerve.

Before coming to the detail of his plan for settling the disputes arising out of the present state of the Church and School Lands, he would ask the following questions: Does *Christianity* and *one particular church* mean *the same thing*? Do the majority of the people consider it consistent with the existence of this country as a British Colony, (mingled as are its inhabitants,) that a dominant or exclusive Church or Churches be tolerated? Are the Upper Canadians *now* prepared to use all Constitutional means to save their country; and have not more than one half the Episcopalians sufficient knowledge of the state of the country, and sufficient sense of Justice to make them sympathise with their fellow subjects, and join in their efforts? Do the Upper Canadians believe that it is the unwearied study of the Home Government to do them justice, and *would they not do justice to themselves*? Do the majority of our Colonists really insist on all useless distinctions, religious as well as political being done away, and will the doctrine be any longer held, that free born Britons should be ruled by means of their prejudices rather than their reason—and will the *debasing system* be any longer continued of attempting to convince the people of Upper Canada otherwise than through the medium of their own senses, or of scouting any individual who holding a decided opinion, has honesty enough to express it? Has not the majority in this province long enough sacrificed at the shrine of the religious prejudices of the minority?—Does any one believe that, as a body, the adherents of any one religious sect are more loyal than those of any other, and does he see in the unalienable loyalty of the disregarded sects, no proof of their estimate of the blessings enjoyed by them, under the strongest, *the most* generous, and the most impartial, because the most *practically free* Government on earth, a Government which is the guarantee to the world of continued order and progressive liberty? Are the King's loyal subjects in Upper Canada on any other *great principles* disunited, but on the subject of the Church and School questions? Will individuals any longer be taunted with selfish or interested motives, for holding the opinion that since this country cannot enjoy any of the advantages of a connection between Church and State, which may be held to exist in England, it should not be borne down by having the disadvantages of that system imposed on it? Does this Province want a system of *prosecuting*, or does it demand equal religious advan-

tages for all its Colonists, and freedom to remain attached to the *religion of their fathers* unmolested by their Ministers and themselves being appealed to by *golden arguments in the, to them, exposed and helpless circumstances of a new country*, to desert the faith they love, and to join with their voices in terms of worship, with which (however beautiful in themselves) their hearts can have no sympathy? Is it good policy in Government to tolerate a state of things, in which all but the adherents of one particular religious sect (however pure that Church may be) are reminded by everything around them, of their being in a *land of strangers*? But does experience of the past teach us that we should trust to any quarter except to our own individual and joint exertions, to throw off this yoke of superstition which *checks the development of the resources* of this fine Province, and *cripples the energies* of a population second to none in the world, by rendering it impossible for us to become an united people—a people united by a community of feelings as well as interests?

Is it to the hour of darkness induced by our own folly and want of true patriotism, to the hour of the country's weakness, that we must appeal for an answer to these questions, or shall we, boldly secure against such an hour ever again occurring by answering them *now*, and thus removing every *element of dissolution* which rankles in the veins of this infant Colony, and prevents its *natural growth*?

The detail of the plan is as follows:—

The Clergy and School Lands should be relieved of all the trusts now holding them, and should be disposed of by means of a permanent act of Parliament, containing clear and well understood conditions, as to their application—and any right which the Catholics have to tythes from their own people (if it can be done without infringing the treaty) should be abolished, and they enabled to avail themselves of provisions ecclesiastical and educational, the same as their brethren of other persuasions.

The Clergy and School Lands, should be viewed chiefly as a provision for the present infant state of the province—Religion, and Education, if allowed to sleep *now* would in the opinion of many, never again be awakened in this country as a British Province. It is a great argument for employing teachers of all or any kind *most agreeable to the people*—if it is allowed that the people will not hereafter be more competent judges.

These reserved lands should therefore be converted into cash, and made to form two distinct funds, one for Religion—the other for Education.

For arguments sake, suppose the government declining to allow of the endowments for Religion and Education, being alienated to any other purposes, and saying to the people as follows:

“Finding that our great and trying occasions in the Province, Christians of all persuasions have forgotten all

their distinctions and differences for a time, in the support of British supremacy, and unshackled by their religious prejudices, have showed their loyalty to, and their sense of justice in the British Government, the Governor considers it due to the King's Subjects to promulgate not only that by him Christianity and one particular Church are not understood to mean the same thing, but that hereafter every considerable Christian sect will be equally encouraged, and that if the Provincial Parliament will only fix on an equitable system for securing equal rights to all, the Government will agree to it."

To effect a settlement of these questions, suppose the Governor to make some such suggestions as the following :

"Government declines committing the apparent inconsistency of directly supporting one set of priests to preach down another, so that the act of giving support to different churches must be purely that of the people, the executive Government having nothing to do with the system, nor its successful or unsuccessful operation, as declining all influence in the distribution or application of the funds for religion or education, thus leaving no field for partiality on the part of Government—and therefore no ground for suspicion of it.

The management of the system (say for Churches and Common Schools) should be thrown altogether on the executives of the different churches (large sects) pointed out by the people each year as those to which they belong, and in which they have confidence—many grounds of quarrel would in this way be got quit of—difficulties would at all events be confined to the bosoms of the particular churches—danger to the state, from one body of christians coming into collision with another would be done away—and supposing that the doctrines of any one body are pernicious, you counter-act its influence in the best way, and applying in the encouragement to all to do good a gentle remedy, you are much more likely in the end to purge out its venom, than when in addition to the task of exposing the error of its system and showing how it had grafted itself on simple institution of christianity—and how the passions and understandings of men might get disentangled from it, you had also to contend with the formidable circumstance of its being a persecuted or pampered Church. On government quitting its hold of the Clergy Reserves and binding itself to let all large bodies of Christians share in the proceeds of them, it would be culpable in not insisting on the people being also bound by a provincial act, sanctioned and made permanent by the Imperial Legislature, to give a certain support to some one body of Christians, it being however left to each person in his individual capacity, and every year on paying the tax, to say to the support of which denomination his contribution is to be applied. The principle laid down is compulsory payment and voluntary application. The Church fund will provide for half the salaries of Ministers, but to determine this half, the people's half has to be first got at!! This assessment or security against the unworthy being provided for, is demanded for the following reasons:—

First.—Because Government decline allowing a provision for any clergyman which will make him independent of his people altogether, while it (the Government) considers that the proper independence of an educated clergy, and the inability of the people themselves, both point out the necessity of some support.

Second.—Government considers that the good which any body of christians, are not only willing but able to do, is the best proof of the extent to which they ought to be supported.

Third.—Government considers that an assessment,

laid on by a permanent act of Parliament; an act of Parliament subject only to be altered in the same way as the Constitutional act, and no person being allowed to pay more than the regulation, is the most correct way to find out the extent of the field for immediate usefulness, which is really open to each sect.

Fourth.—Government wishes to secure to every denomination the undivided support of its own adherents, and in cases where these are large enough to be supported to give them a part of the allowance, exactly in proportion to their number, and Government, moreover views this as a legitimate opportunity to secure protection, for that most deserving and zealous part of the community, on whom has hitherto fallen, and would hereafter fall the burden of the support of Religion on the voluntary system by binding all to give a small support (which does not interfere with their giving more to their individual minister on the voluntary plan) to make the sustaining of religion light to all. The public and private effects of religion on the circumstances of individuals, and on the prosperity of a country are enjoyed by all, whether they see it or not, and all therefore should be compelled to pay for it. If any individuals do not avail themselves of the more particular blessings of Religion, it cannot any longer be laid to the door of the Government, as without being found supporting any particular Church, or by particular countenance sanctioning its doctrines it puts it in the power of every one to provide himself individually with religious instruction.

Government recommends the encouragement without distinction of every sect or denomination professing the christian religion, but considers it would be fraught with little good effect, & might induce serious public evils, the giving a direct support out of the church fund to any body whose doctrines are not sanctioned by the adherence to these, and of course to that body of a considerable proportion of the inhabitants, while therefore Government would agree that every sect however small, be allowed to pay and encourage by their own particular assessments their own Churches—it would not consent to support, out of the Church fund, any but the larger Churches—Government would leave it to the two branches of the Provincial Legislature to say the amount of subscriptions, according to the act of assessment, which should entitle a sect to be called a "large Church," or one to which part of the proceeds of the Church Reserves should be applied, but would suggest the criterion to be a sum, certainly not less than £3400 annually. can impartiality do more than to agree that no sect should be objected to on account of its particular doctrines? Can common prudence require less than that these doctrines should be for the general safety sanctioned, by a respectable number of the people themselves?

Out of the church fund a support would be afforded to all the large churches in the shape of a sum of money yearly, equal or proportionate, to the number of their adherents, as ascertained by means of a general assessment; the amount paid by the adherent of each church, being made, to represent the extent of its co-operation in promoting the ends of religion, which the government has in view.

All that Government would require of a church, is, that it professes the Christian Religion, and that it be composed of at least, three ministers, formed into an ecclesiastical order, or at least having a name and an executive or organ, it being left to the people themselves to discuss their spirit strains of doctrine.

Government declines the opening to favoritism: and the increased detail to which the recognition of individual ministers might lead, and when assessments are collected, from persons of no religious professions, or in

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favor of churches or sects, which have not complied with the Law, and are represented by no church, court, or executive; such assessments, will be divided among the other churches, according to the proportion of the sums they have collected the same year.

Government proposes for the approbation of the Legislature, to levy a contribution, or assessment, for the above purposes as follows:

4s. from all Leaseholders not over ..	£25 Rent
7 6	£25 to 60
12 6	£60 and upwards

and the following from freeholders who would not come under a greater rate if assessed as Leaseholders.

5s. from all freeholders under 50 acres	
7s. 6d.	50 to 100 ..

Freeholders owning more than 100 acres, would pay 7 6 and a farthing per acre for every additional acre.

The payer of the tax stating at the time he pays it to the support of which denomination his money goes.

As enervating the influence of their particular Churches, the wealthier classes of Society would of course have no objection to their assessments being fixed higher in proportion to those of the poorer classes than has been proposed above, but government and the people generally would both prefer that by the system no greater preponderance be given to property, and that those who can afford to give more, should communicate directly with their own Churches on the voluntary system.

The inhabitant would be handed an account of all the different taxes payable by him, (the church assessment being merely one item). He would require to pay the whole or none, so that he never would be distracted for church assessment alone.

This tax would not come into the hands of the government and as merely binding the people to what they themselves say they are anxious to do, it might be called by a gentler name. It should be collected by some of the present Town or District officers, (probably the Treasurer) under sufficient securities to the public so that the expense of collection would be trifling. The money received from assessments would fall to be by him paid into the hands of a central agent at Toronto, (this is the only officer accumulated by the system) appointed by the House of Assembly and subject to the Governor's approval, and under heavy securities, to be by him under the regulation of the Statute paid over to the executives of the different Churches, viz.

To the Bishop of the Church of England,

To the Synod of the Church of Scotland,

To the Conference for the Methodists,

To the Roman Catholic Bishop. &c. &c.

to be by them applied according to their own rules for the salaries of ministers and the building of Churches, any restriction with the people's own contributions might perhaps be improper, but some very general restrictions ought to be adopted with the payment of the church fund.

The central agent for the system should be authorised by the act to draw each year from the fund for Religion on behalf of the executives for the different large sects provided for, a sum of money equal to the amount which has passed through his hands as assessments paid by the adherents of said churches, or equal to a fair proportion of the proceeds of the land actually realized, in case in any one year the state of the fund will not permit of the full regulation. — In such cases churches would have no future claim for any balance. This provision from the church fund would also be paid to the executives of the different churches, to be applied to the salaries of members, and the building of churches under some very general restrictions, such as that no one clergyman should be allowed more than £100 H'x. C'y. per annum, (this might vary in different years, but of the variation of the part of his provision levied by assessment the chance would be very trifling) and that only the balance remaining after paying ministers salaries, be applied to the building of churches, if thought advisable, to promote the spread of ministers over the coun-

try, the extent of their support in any one year from the church fund and assessments together, might be restricted to £200, any additional salary being furnished them on the voluntary system by their own congregations or out of the seat rents which, at all events in towns, it would be well to avail of to assist these other means of religious support, as many who are able and willing to lend their assistance are neither leaseholders nor freeholders. It might be well that the collectors receipt for payment of the general church assessment be received as part payment of seat rents from Freeholders and Leaseholders assessed. If it is objected that the Church fund would prove insufficient, I answer, That were the system a good one, the British Government would be but too happy to provide it with means.

If any church were discovered paying up the assessments of defaulters merely to swell the amount to be received from government and afterwards taking the said amount or any other sums out of the funds understood to be appropriated by them for religion, such church should undergo very heavy penalties, or forfeit all future claim to support out of either the church or school funds and in the latter case would be viewed as one of the insignificant sects thereafter. But this might be objected to as intruding the privileges of the future as well as the present generation to individual temporary managers.

As to the School Lands the Provincial Legislature might consider whether or not it would be well to adopt the following mode of application—viz., to adopt the church assessment roll as pointing out the strength of the different parties in the province, and to authorise by an act of parliament the central agent for Religion to draw each year from the Educational Fund a sum equal to the amount or half the amount which he draws for particular Churches for Religion, to be by him paid over to the executives of said churches for the maintenance of Common Schools under their superintendence. Such amount to be received might be curtailed for want of funds in the same way, as in the case of Religion. Some very general restrictions might be added such as that no schoolmaster should be allowed over a certain salary, and that no part of the money should be applied to colleges. Government's view, with regard to Schoolmasters might be explained to be the same as it entertains on the subject of Clergymen, that a schoolmaster should be made so far independent of the people, and liable to be turned out only by some constituted discriminating and educated authority, within the district and not by the people generally, but that as an inducement to exertion, on his part, the balance he should collect from his scholars by means of a small fee restricted by the Statute.

The act regulating religion as has been said would be a permanent one, but in the case of education the Provincial Legislature, ought to be allowed at each session to appropriate for colleges and other educational purposes a sum of money out of the School Fund not exceeding the sum drawn during the previous year for those common schools superintended by the churches. The parliament being only allowed to do this in case a part of the realised fund remained on hand after supporting the common schools, equal to three times the sum used by them the previous year, so that common education may have no interruption.

In bringing to a close the foregoing humble attempt, the writer begs to repeat that he undertook it from no persuasion of his being able to propose a perfect system — Could he mean by such a supposition to insult the Legislators of Upper Canada or pretend to convict them of having winked at the state of these momentous questions instead of having been hitherto baffled with their adjustment? No; He was attracted to these subjects, by observing the feeling wide spread in the province, that on their being immediately set at rest in one way or

other depends the country's peace and prosperity. The expression of that feeling is yet only muttered like the coming storm, but unless decisive steps are taken, it will before long burst forth in popular thunder—If the explanation have only the effect of making others see the *uselessness*, even if they cannot believe in the immediate danger of *blinking the subject of the Clergy Reserves*, he will feel that his little trouble has been amply recompensed—He is neither wedded to the system he now proposes nor to any other, and will only stick to his present views till a more equitable and *practicable system* is pointed out. May he not then expect an unprejudiced consideration of his plan—It is no party production—The writer's independence is perhaps as untrammelled by party influence, feelings or interests, as that of any man in either province. He cannot be held to write from irritated feelings arising from his belonging to a *neglected or insulted sect*; for he is a lay adherent of the Church of Scotland, a church which may have good reasons for *feeling* against individuals in this country, who have tried to deprive her of her *just rights under the constitutional act*; but cannot be supposed to have any undue longing for a state of *equal Religious privileges*, which it is the writer's object to bring about *until* she tamely sits down content, that her *lawful rights* be trampled on and in despair of redress from the British Government, to which even strangers do not call in vain for Justice; but the supposition of all this, is not only unnatural but ridiculous, while the law of the land remains as it is, and while Scotland's sons retain even one half of that freedom of opinion for which they *contended* more than a hundred years ago.

The writer has avoided personalities where he could do so, without injuring his position—If in one of these last sentences the allusion to individuals is calculated to give offence, he would express a sorrow in which he will be joined by the whole province that *some individuals* are mingled up with *all* our public questions—He may moreover, explain that however hard the feeling entertained in certain quarters is, there has been nothing in his opinion *attempted* by members of the Church of England which by an exertion of charity may not be laid to the door of frail human nature; or which he cannot easily conceive might have been attempted by the individual ministers of his own church in *similar circumstances*.

He would be the last to cast any indignity or injurious reflections on the piety, the private charities or the ministerial usefulness of the Clergymen of the Church of England in this Province, and were any individual attempting such a thing he hopes and indeed believes that they stand too high in the public opinion and in the affections of their particular flocks to be affected by him—But may he not hope too, that the day has gone by when *private or religious virtues could atone for political errors*.

It may be due to a Clergyman to allow that he has done a great deal of *positive good* to his Church and that his charities and good offices have not been confined by so narrow a circle but if we believe that *as far as the general Community is concerned* he has done much *positive harm* in another way, why should we not be as ready to express the latter as to allow the former.

The answer forms one of the strong reasons why *Clergy men* should not be public *political characters* for however wrong in principle, can we think hard of any individual, because yielding to human sympathies his mind finds a relief in dwelling rather on the *private virtues* of his fellow Christian, than on his *public errors* and finding it a difficult thing to question the *motives* he is loth openly to disapprove the *act* or to suppose (*what his individual case is a proof of*) that virtue's influence

can be directly instrumental in obstructing public justice. The writer makes these remarks in the sincere belief that if the system that now exists in Upper Canada were from feebleness in our Government, (a thing not to be feared) or infatuation on the part of our Legislative Council continued for a few years, it could not then as at present be cured by a gentle remedy, and that the circumstance of this country having *everything to lose by a change* would alone save it from Revolution."

No error perhaps has been fraught with such practical evil as the ungenerous feeling of the High Church party generally, that all (*Episcopalians scarcely excluded*) who hold opinions opposed to the grasping views of some *misguided* individuals of the Church of England, and who have honesty enough to avow them (*for they know that these are entertained nearly by the whole Province if they would speak out*), are enemies to that venerable establishment—and if an individual finds it his duty, and combines independence with hardihood enough, to persevere in exposing, since *unassisted* he cannot check the usurpations in a *Constitutional manner*—he is branded as an infidel, at open warfare with Religion itself.

Can any true friend to his country help regretting that such uncharitable, not to mention antiquated opinions should be held by a portion of the community which has so great an influence on its destinies and which is composed of those who, as individuals, are so respectable and influential.

The writer however cannot let this opportunity pass without stating that he does not know his own or the public's feelings towards the Church of England if they are otherwise than the *most friendly*.

Sure he is that the other churches in this Colony wish to meddle in nothing that does not directly affect *their* dearest interests, and that the individuals of them are as little prepared to interfere with or scrutinize matters with which the Church of England *has alone* to do.

But cannot the mass of the people of Upper Canada be pardoned for the opinion they have stuck in with their mother's milk, that the crown of England sits too securely on the head of their beloved sovereign to require a church to support it; or to be *embarrassed in days when PRÆJUDICE reigned* by the influence of a Church then but not now more powerful than *his people*.

Cannot a people believe that their liberties are best secured by their upholding inviolate the prerogatives of the Crown, without at the same time holding that religious forms and views very necessary to assist the dawn of true liberty and order, are equally required in these days of greater light as they were a hundred years ago, since which time almost every thing else has become obsolete *except British principles*, and which too in these later days have only been saved to us by the dislodgement of much of the *feeble ivy* that years had entwined even around so noble a form as the tree of British Liberty.

First gain the people's confidence and tell them calmly that *Spiritual starvation* as having quite a contrary effect to making the mental appetite keener, has even a more melancholy tendency than *bodily want*; that food in the one case is required to *sustain existence*, but that the spirit will retain all its natural energies unimpaired even in the *dangerous* state of ignorance, and only wants Education to *direct and develop* its eternal powers. Then ask them, would it prove unkindness in Government, were it even to make *moral Education compulsory*? And appeal to them if it has no reason on its side when it holds that a Government would be working counter to our knowledge of nature, were it trusting altogether to the *voluntary or personal supply of its peoples spiritual wants*!

In fine: Does any one seriously believe that with common justice done them the people of Upper Canada cannot be made as contented in their happy homes as the people are in the United States, even without the experience the latter have had of a *surfeit of Liberty*, Political and Religious.

Toronto U. C. 20th August, 1836.

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